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1
 2 An act relating to interscholastic activities;
 3 amending s. 1002.20, F.S.; authorizing charter school
 4 students and Florida Virtual School full-time students
 5 to participate in extracurricular activities at a
 6 private school under certain circumstances; amending
 7 s. 1002.33, F.S.; authorizing charter school students
 8 to participate in interscholastic extracurricular
 9 activities at a private school under certain
 10 circumstances; amending s. 1006.15, F.S.; authorizing
 11 charter school students and Florida Virtual School
 12 full-time program students to participate in
 13 interscholastic extracurricular activities at private
 14 schools under certain circumstances; authorizing
 15 traditional public school students to participate in
 16 interscholastic and intrascholastic activities at
 17 certain schools; revising the requirements for
 18 students to participate in such activities; revising
 19 requirements related to private school students
 20 participating at a Florida High School Athletic
 21 Association (FHSAA)-member school; providing for the
 22 continued participation in such activities by certain
 23 students who transfer from a public school; amending
 24 s. 1006.195, F.S.; conforming a cross-reference;
 25 amending s. 1006.20, F.S.; requiring the FHSAA to

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26 allow any school that joins the organization by sport
 27 to participate in the championship contest or series
 28 of contests for that sport; providing that the
 29 Commissioner of Education may direct the FHSAA to
 30 revise its bylaws at any time; requiring that any
 31 changes to the FHSAA bylaws be ratified by the State
 32 Board of Education; deleting a requirement that the
 33 appointing authority of members of the FHSAA Board of
 34 Directors make appointments that reflect the
 35 demographic and population trends of this state;
 36 revising the composition of the board of directors;
 37 providing that all appointed board members be
 38 appointed by the Governor and confirmed by the Senate;
 39 requiring that the hiring of the FHSAA executive
 40 director and the budget adopted by the board of
 41 directors be ratified by the State Board of Education;
 42 requiring a majority vote of the board of directors
 43 for the approval of legislative recommendations from
 44 the representative assembly; creating s. 1006.185,
 45 F.S.; requiring each approved athletic association
 46 whose membership includes public schools to allow each
 47 participating school to make opening remarks at
 48 certain athletic contests; providing requirements for
 49 the remarks; providing an effective date.

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51 Be It Enacted by the Legislature of the State of Florida:

52

53 Section 1. Paragraphs (c) and (d) of subsection (18) of
 54 section 1002.20, Florida Statutes, are amended to read:

55 1002.20 K-12 student and parent rights.—Parents of public
 56 school students must receive accurate and timely information
 57 regarding their child's academic progress and must be informed
 58 of ways they can help their child to succeed in school. K-12
 59 students and their parents are afforded numerous statutory
 60 rights including, but not limited to, the following:

61 (18) EXTRACURRICULAR ACTIVITIES.—In accordance with the
 62 provisions of s. 1006.15:

63 (c) *Charter school students.*—Charter school students who
 64 meet specified academic and conduct requirements are eligible to
 65 participate in extracurricular activities at the public school
 66 to which the student would be assigned or could choose to attend
 67 according to district school board policies, or may develop an
 68 agreement to participate at a private school, unless such
 69 activity is provided by the student's charter school.

70 (d) *Florida Virtual School full-time students.*—Florida
 71 Virtual School full-time students who meet specified academic
 72 and conduct requirements are eligible to participate in
 73 extracurricular activities at the public school to which the
 74 student would be assigned or could choose to attend according to
 75 district school board policies, or may develop an agreement to

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76 | participate at a private school.

77 | Section 2. Subsection (11) of section 1002.33, Florida
78 | Statutes, is amended to read:

79 | 1002.33 Charter schools.—

80 | (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
81 | ACTIVITIES.—A charter school student is eligible to participate
82 | in an interscholastic extracurricular activity at the public
83 | school to which the student would be otherwise assigned to
84 | attend, or may develop an agreement to participate at a private
85 | school, pursuant to s. 1006.15(3)(d).

86 | Section 3. Present paragraph (h) of subsection (3) of
87 | section 1006.15, Florida Statutes, is redesignated as paragraph
88 | (i), and a new paragraph (h) is added to that subsection,
89 | subsection (10) is added to that section, and paragraphs (d) and
90 | (e) of subsection (3) and subsection (8) of that section are
91 | amended, to read:

92 | 1006.15 Student standards for participation in
93 | interscholastic and intrascholastic extracurricular student
94 | activities; regulation.—

95 | (3)

96 | (d) An individual charter school student pursuant to s.
97 | 1002.33 is eligible to participate at the public school to which
98 | the student would be assigned according to district school board
99 | attendance area policies or which the student could attend, or
100 | may develop an agreement to participate at a private school, in

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101 any interscholastic extracurricular activity of that school,
102 unless such activity is provided by the student's charter
103 school, if the following conditions are met:

104 1. The charter school student must meet the requirements
105 of the charter school education program as determined by the
106 charter school governing board.

107 2. During the period of participation at a school, the
108 charter school student must demonstrate educational progress as
109 required in paragraph (b).

110 3. The charter school student must meet the same residency
111 requirements as other students in the school at which he or she
112 participates.

113 4. The charter school student must meet the same standards
114 of acceptance, behavior, and performance that are required of
115 other students in extracurricular activities.

116 5. The charter school student must register with the
117 school his or her intent to participate in interscholastic
118 extracurricular activities as a representative of the school
119 before participation. A charter school student must be able to
120 participate in curricular activities if that is a requirement
121 for an extracurricular activity.

122 6. A student who transfers from a charter school program
123 to a traditional public school before or during the first
124 grading period of the school year is academically eligible to
125 participate in interscholastic extracurricular activities during

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126 the first grading period if the student has a successful
127 evaluation from the previous school year, pursuant to
128 subparagraph 2.

129 7. Any public school or private school student who has
130 been unable to maintain academic eligibility for participation
131 in interscholastic extracurricular activities is ineligible to
132 participate in such activities as a charter school student until
133 the student has successfully completed one grading period in a
134 charter school pursuant to subparagraph 2. to become eligible to
135 participate as a charter school student.

136 (e) A student of the Florida Virtual School full-time
137 program may participate in any interscholastic extracurricular
138 activity at the public school to which the student would be
139 assigned according to district school board attendance area
140 policies or which the student could choose to attend pursuant to
141 s. 1002.31, or may develop an agreement to participate at a
142 private school, if the student:

143 1. During the period of participation in the
144 interscholastic extracurricular activity, meets the requirements
145 in paragraph (a).

146 2. Meets any additional requirements as determined by the
147 board of trustees of the Florida Virtual School.

148 3. Meets the same residency requirements as other students
149 in the school at which he or she participates.

150 4. Meets the same standards of acceptance, behavior, and

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151 performance that are required of other students in
 152 extracurricular activities.

153 5. Registers his or her intent to participate in
 154 interscholastic extracurricular activities with the school
 155 before participation. A Florida Virtual school student must be
 156 able to participate in curricular activities if that is a
 157 requirement for an extracurricular activity.

158 (h) An individual traditional public school student who is
 159 otherwise eligible to participate in interscholastic
 160 extracurricular activities may either participate in any such
 161 activity at any public school in the school district in which
 162 the student resides or develop an agreement to participate in
 163 such activity at a private school, unless the activity is
 164 provided by the student's traditional public school. Such
 165 student must:

166 1. Meet the same standards of acceptance, behavior, and
 167 performance that are required of other students in
 168 extracurricular activities at the school at which the student
 169 wishes to participate.

170 2. Before participation, register with the school his or
 171 her intent to participate in interscholastic extracurricular
 172 activities as a representative of the school. The student must
 173 be able to participate in curricular activities if that is a
 174 requirement for an extracurricular activity.

175 (8) (a) The Florida High School Athletic Association

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176 (FHSAA) shall, in cooperation with each district school board
 177 and its member private schools, ~~shall~~ facilitate a program in
 178 which a middle school or high school student who attends a
 179 private school is ~~shall be~~ eligible to participate in an
 180 interscholastic or intrascholastic sport at a member public high
 181 school, a member public middle school, ~~or a member~~ 6-12 public
 182 school, or a member private school, as appropriate for the
 183 private school student's grade level ~~to which the student would~~
 184 ~~be assigned according to district school board attendance area~~
 185 ~~policies and procedures or which the student could choose to~~
 186 ~~attend pursuant to s. 1002.31, provided the public school has~~
 187 ~~not reached capacity as determined by the district school board,~~
 188 if:

189 1. The private school in which the student is enrolled is
 190 not a member of the FHSAA.

191 2. The private school student meets the guidelines for the
 192 conduct of the program established by the FHSAA's board of
 193 directors and the district school board or member private
 194 school. At a minimum, such guidelines must ~~shall~~ provide:

195 ~~a.~~ a deadline for each sport by which the private school
 196 student's parents must register with the member ~~public~~ school in
 197 writing their intent for their child to participate at that
 198 school in the sport.

199 ~~b.~~ ~~Requirements for a private school student to~~
 200 ~~participate, including, but not limited to, meeting the same~~

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201 ~~standards of eligibility, acceptance, behavior, educational~~
 202 ~~progress, and performance which apply to other students~~
 203 ~~participating in interscholastic or intrascholastic sports at a~~
 204 ~~public school or FHSAA member private school.~~

205 (b) The parents of a private school student participating
 206 in a member ~~public~~ school sport under this subsection are
 207 responsible for transporting their child to and from the member
 208 ~~public~~ school at which the student participates. The private
 209 school the student attends, the member ~~public~~ school at which
 210 the student participates in a sport, the district school board,
 211 and the FHSAA are exempt from civil liability arising from any
 212 injury that occurs to the student during such transportation.

213 (c) For each academic year, a private school student may
 214 only participate at the member ~~public~~ school in which the
 215 student is first registered under subparagraph (a)2. ~~sub-~~
 216 ~~subparagraph (a)2.a.~~ or makes himself or herself a candidate for
 217 an athletic team by engaging in a practice.

218 (d) The athletic director of each participating FHSAA
 219 member ~~public~~ school shall maintain the student records
 220 necessary for eligibility, compliance, and participation in the
 221 program.

222 (e) Any non-FHSAA member private school that has a student
 223 who wishes to participate in this program must make all student
 224 records, including, but not limited to, academic, financial,
 225 disciplinary, and attendance records, available upon request of

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226 | the FHSAA.

227 | (f) A student must apply to participate in this program
228 | through the FHSAA program application process.

229 | (g) Only students who are enrolled in non-FHSAA member
230 | private schools consisting of 200 ~~125~~ students or fewer are
231 | eligible to participate in the program in any given academic
232 | year.

233 | (10) A student who participates in an interscholastic or
234 | intrascholastic activity at a public school and who transfers
235 | from that school during the school year must be allowed to
236 | continue to participate in the activity at that school for the
237 | remainder of the school year if:

238 | (a) During the period of participation in the activity,
239 | the student continues to meet the requirements specified in
240 | paragraph (3)(a).

241 | (b) The student continues to meet the same standards of
242 | acceptance, behavior, and performance which are required of
243 | other students participating in the activity, except for
244 | enrollment requirements at the school at which the student
245 | participates.

246 | (c) The parents of the student participating in the
247 | activity provide for the transportation of the student to and
248 | from the school at which the student participates. The school
249 | the student attends, the school at which the student
250 | participates in the activity, and the district school board are

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251 exempt from civil liability arising from any injury that occurs
 252 to the student during such transportation.

253 Section 4. Paragraph (a) of subsection (1) of section
 254 1006.195, Florida Statutes, is amended to read:

255 1006.195 District school board, charter school authority
 256 and responsibility to establish student eligibility regarding
 257 participation in interscholastic and intrascholastic
 258 extracurricular activities.—Notwithstanding any provision to the
 259 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
 260 eligibility to participate in interscholastic and
 261 intrascholastic extracurricular activities:

262 (1)(a) A district school board must establish, through its
 263 code of student conduct, student eligibility standards and
 264 related student disciplinary actions regarding student
 265 participation in interscholastic and intrascholastic
 266 extracurricular activities. The code of student conduct must
 267 provide that:

268 1. A student not currently suspended from interscholastic
 269 or intrascholastic extracurricular activities, or suspended or
 270 expelled from school, pursuant to a district school board's
 271 suspension or expulsion powers provided in law, including ss.
 272 1006.07, 1006.08, and 1006.09, is eligible to participate in
 273 interscholastic and intrascholastic extracurricular activities.

274 2. A student may not participate in a sport if the student
 275 participated in that same sport at another school during that

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276 school year, unless the student meets the criteria in s.
 277 1006.15(3)(i) ~~s. 1006.15(3)(h)~~.

278 3. A student's eligibility to participate in any
 279 interscholastic or intrascholastic extracurricular activity may
 280 not be affected by any alleged recruiting violation until final
 281 disposition of the allegation pursuant to s. 1006.20(2)(b).

282 Section 5. Subsection (1), paragraph (a) of subsection
 283 (2), paragraphs (a) and (e) of subsection (4), paragraphs (a)
 284 and (h) of subsection (5), paragraph (b) of subsection (6), and
 285 subsection (8) of section 1006.20, Florida Statutes, are amended
 286 to read:

287 1006.20 Athletics in public K-12 schools.—

288 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
 289 School Athletic Association (FHSAA) is designated as a ~~the~~
 290 governing nonprofit organization of athletics in Florida public
 291 schools. If the FHSAA fails to comply with ~~meet the provisions~~
 292 ~~of~~ this section, the commissioner must ~~shall~~ designate a
 293 nonprofit organization to govern athletics with the approval of
 294 the State Board of Education. The FHSAA is not a state agency as
 295 defined in s. 120.52. The FHSAA is ~~shall be~~ subject to ~~the~~
 296 ~~provisions of~~ s. 1006.19. A private school that wishes to engage
 297 in high school athletic competition with a public high school
 298 may become a member of the FHSAA. Any high school in this ~~the~~
 299 state, including charter schools, virtual schools, and home
 300 education cooperatives, may become a member of the FHSAA and

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301 participate in the activities of the FHSAA;~~;-~~ however, membership
 302 in the FHSAA is not mandatory for any school. The FHSAA shall
 303 ~~must~~ allow a ~~private~~ school the option of maintaining full
 304 membership in the association or joining by sport and may not
 305 discourage a ~~private~~ school from simultaneously maintaining
 306 membership in another athletic association. The FHSAA shall
 307 allow any school joining by sport to participate in the
 308 championship contest or series of contests for that sport ~~may~~
 309 ~~allow a public school the option to apply for consideration to~~
 310 ~~join another athletic association.~~ The FHSAA may not deny or
 311 discourage interscholastic competition between its member
 312 schools and non-FHSAA member Florida schools, including members
 313 of another athletic governing organization, and may not take any
 314 retributory or discriminatory action against any of its member
 315 schools that participate in interscholastic competition with
 316 non-FHSAA member Florida schools. The FHSAA may not unreasonably
 317 withhold its approval of an application to become an affiliate
 318 member of the National Federation of State High School
 319 Associations submitted by any other organization that governs
 320 interscholastic athletic competition in this state. The bylaws
 321 of the FHSAA are the rules by which high school athletic
 322 programs in its member schools, and the students who participate
 323 in them, are governed, unless otherwise specifically provided by
 324 statute. For the purposes of this section, the term "high
 325 school" includes grades 6 through 12.

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326 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

327 (a) The FHSAA shall adopt bylaws that, unless specifically
 328 provided otherwise by statute, establish eligibility
 329 requirements for all students who participate in high school
 330 athletic competition in its member schools. The bylaws governing
 331 residence and transfer must ~~shall~~ allow the student to be
 332 immediately eligible in the school in which he or she first
 333 enrolls each school year or the school in which the student
 334 makes himself or herself a candidate for an athletic team by
 335 engaging in a practice before ~~prior to~~ enrolling in the school.
 336 The bylaws must ~~shall~~ also allow the student to be immediately
 337 eligible in the school to which the student has transferred. The
 338 student remains ~~shall be~~ eligible in that school so long as he
 339 or she remains enrolled in that school. Subsequent eligibility
 340 must ~~shall~~ be determined and enforced through the FHSAA's
 341 bylaws. Requirements governing eligibility and transfer between
 342 member schools must ~~shall~~ be applied similarly to public school
 343 students and private school students. The commissioner may
 344 direct the FHSAA to revise its bylaws at any time.

345 1. Any changes to the FHSAA's bylaws must be ratified by
 346 the State Board of Education.

347 2. A bylaw adopted by the FHSAA board of directors may not
 348 take effect until it is ratified by the State Board of
 349 Education.

350 (4) BOARD OF DIRECTORS.—

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351 (a) The executive and legislative authority of the FHSAA
 352 ~~is shall be~~ vested in its board of directors, which is. ~~Any~~
 353 ~~entity that appoints members to the board of directors shall~~
 354 ~~examine the ethnic and demographic composition of the board when~~
 355 ~~selecting candidates for appointment and shall, to the greatest~~
 356 ~~extent possible, make appointments that reflect state~~
 357 ~~demographic and population trends. The board of directors shall~~
 358 ~~be~~ composed of 13 members, eight of whom are appointed by the
 359 Governor and confirmed by the Senate ~~16 persons~~, as follows:
 360 1. Two public member school representatives elected from
 361 among its public school representative members. Each elected
 362 representative must be from a different administrative region.
 363 2. Two nonpublic member school representatives elected
 364 from among its nonpublic school representative members. Each
 365 elected representative must be from a different administrative
 366 region that are also different from the public member school
 367 representatives elected under subparagraph 1.
 368 ~~3.1.~~ Two ~~Four~~ public member school representatives
 369 appointed from different administrative regions, ~~one elected~~
 370 ~~from among its public school representative members within each~~
 371 ~~of the four administrative regions.~~
 372 ~~4.2.~~ Two ~~Four~~ nonpublic member school representatives
 373 appointed from different administrative regions that are also
 374 different than those represented by the public member school
 375 representatives appointed under subparagraph 3., ~~one elected~~

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376 ~~from among its nonpublic school representative members within~~
 377 ~~each of the four administrative regions.~~

378 5.3. ~~Two~~ Three representatives appointed by the
 379 ~~commissioner~~, one appointed from the two northernmost
 380 administrative regions and one appointed from the two
 381 southernmost administrative regions. ~~The third representative~~
 382 ~~shall be appointed to balance the board for diversity or state~~
 383 ~~population trends, or both.~~

384 6.4. ~~One~~ Two district school superintendent appointed
 385 ~~superintendents~~, one elected from the ~~two~~ northernmost
 386 administrative region ~~regions~~ by the members in those regions
 387 and one elected from the two southernmost administrative regions
 388 ~~by the members in those regions.~~

389 7.5. ~~One~~ Two district school board member appointed
 390 ~~members~~, one elected from the two northernmost administrative
 391 ~~regions~~ by the members in those regions and one elected from the
 392 ~~two~~ southernmost administrative region ~~regions~~ by the members in
 393 ~~those regions.~~

394 8.6. The commissioner or his or her designee from the
 395 department executive staff.

396 (e) The authority and duties of the board of directors,
 397 acting as a body and in accordance with the FHSAA's bylaws, are
 398 as follows:

399 1. To act as the incorporated FHSAA's board of directors
 400 and to fulfill its obligations as required by the FHSAA's

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401 charter and articles of incorporation.

402 2. To establish such guidelines, regulations, policies,
403 and procedures as are authorized by the bylaws.

404 3. To employ an FHSAA executive director, who has ~~shall~~
405 ~~have~~ the authority to waive the bylaws of the FHSAA in order to
406 comply with statutory changes. The hiring of the executive
407 director must be ratified by the State Board of Education.

408 4. To levy annual dues and other fees and to set the
409 percentage of contest receipts to be collected by the FHSAA.

410 5. To approve the budget of the FHSAA. The budget adopted
411 by the board of directors must be ratified by the State Board of
412 Education.

413 6. To organize and conduct statewide interscholastic
414 competitions, which may or may not lead to state championships,
415 and to establish the terms and conditions for these
416 competitions.

417 7. To act as an administrative board in the interpretation
418 of, and final decision on, all questions and appeals arising
419 from the directing of interscholastic athletics of member
420 schools.

421 8. To approve, reject, or amend any legislative
422 recommendations from the representative assembly. Approval of
423 such recommendations requires a majority vote of the board.

424 (5) REPRESENTATIVE ASSEMBLY.—

425 (a) ~~The legislative authority of the FHSAA is vested in~~

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426 ~~its~~ representative assembly may make legislative recommendations
 427 to the board of directors.

428 (h) Other than making legislative recommendations as
 429 authorized by paragraph (a), the authority of the representative
 430 assembly is limited to its sole duty, which is to consider,
 431 adopt, or reject any recommended proposed amendments to the
 432 FHSAA's bylaws.

433 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

434 (b) A ~~No~~ member of the board of directors or the
 435 committee on appeals may not, ~~or representative assembly is~~
 436 ~~eligible to~~ serve on the public liaison advisory committee.

437 (8) AMENDMENT OF BYLAWS.—Each member school
 438 representative, the board of directors acting as a whole or ~~as~~
 439 members acting individually, any advisory committee acting as a
 440 whole to be established by the FHSAA, the commissioner, and the
 441 FHSAA's executive director may ~~are empowered to~~ propose
 442 amendments to the bylaws. Any other individual may propose an
 443 amendment by securing the sponsorship of any such ~~of the~~
 444 ~~mentioned~~ individuals or bodies. All proposed amendments
 445 must be submitted directly to the representative assembly for
 446 its consideration. The representative assembly shall provide a
 447 recommendation to the board of directors to either adopt,
 448 reject, or revise any proposed amendments, ~~while empowered to~~
 449 ~~adopt, reject, or revise proposed amendments, may not, in and of~~
 450 ~~itself, as a body be allowed to propose any amendment for its~~

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451 ~~own consideration.~~

452 Section 6. Section 1006.185, Florida Statutes, is created
453 to read:

454 1006.185 Opening remarks at high school athletic
455 contests.—Each athletic association designated under s. 1006.20
456 whose membership includes public schools shall adopt bylaws,
457 policies, or procedures that provide each school participating
458 in a high school championship contest or series of contests
459 under the direction and supervision of the association the
460 opportunity to make brief opening remarks, if requested by the
461 school, using the public address system at the event. Such
462 remarks may not be longer than 2 minutes per participating
463 school. The athletic association may not control, monitor, or
464 review the content of the opening remarks and may not control
465 the school's choice of speaker. Member schools may not provide
466 remarks that are derogatory, rude, or threatening. Before the
467 opening remarks, an announcement must be made that the content
468 of any opening remarks by a participating school is not endorsed
469 by and does not reflect the views and or opinions of the
470 athletic association. The decision to allow opening remarks
471 before regular season contests is at the discretion of each
472 school.

473 Section 7. This act shall take effect July 1, 2023.